REMARKS

Claim Status

Claims 1-3, 12-29 were under examination in the application. Claims 1-3, 12-29 have been canceled without prejudice to Applicant's right to pursue the subject matters in a future application and new claims 30-39 have been added. New claims 30-39 are fully supported by the originally filed specification. Therefore, there is no issue of new matter. Applicant respectfully requests the entry of this Amendment.

Rejection Under 35 U.S.C. §102

Claims 1, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Burioni et al. These claims are drawn to an antibody composition comprising a neutralizing anti-HCV E2 antibody or functional fragments thereof.

In response, Applicant respectfully traverses due to the fact that Burioni does not disclose or teach any in vivo information. Burioni does not provide any in vivo data and therefore cannot enable the claimed invention. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of this ground of rejection.

Claims 1, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Habersetzer et al.

In response, Applicant respectfully traverses due to the fact that Habersetzer does not disclose or teach any in vivo information. Habersetzer does not provide any in vivo data and therefore cannot enable the claimed invention. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of this ground of rejection.

Rejection Under 35 U.S.C. §103

Claims 1-3, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burioni as applied to claims 1, 27, and 28, further in view of the teachings of Poul et al. and Foung et. al.

In response, Applicant respectively traverses. Applicant maintains that Fabs e137 and e301 share some unexpected HCV neutralizing properties for the treatment and prevention of HCV infections in humans. Data disclosed in this Application demonstrate that only a specific subset of the anti HCV E2 human monoclonal antibody Fabs, known to inhibit the E2 binding to its receptor, is actually capable of neutralizing HCV and inhibiting HCV infection. The author shows that such functional feature is associated to the recognition and to the specific binding of an E2 epitope. Such finding is unpredictable from any cited prior art documents. i.e. since synthetic peptides are ineffective to this scope. Therefore, the non obviousness of the method of treatment comprising the disclosed Fabs e137 and e301 is to be acknowledged.

Therefore, Burioni alone or in combination with Poul and Foung, does not disclose, teach or render the Applicant's claimed invention. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of this ground of rejection.

Conclusion

Applicant respectfully maintains that all the grounds of rejections raised in the March 2, 2007 Office Action have been addressed and earnestly urge the Examiner to render favorable action for the claimed invention.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided below. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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